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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
EDITH NELSON,)
RONALD NELSON, and)
NELDA ASUNCION,)
Defendants.)
)
No. CR 08-477-1 DLJ
No. CR 08-477-2 DLJ
No. CR 08-477-3 DLJ

AMENDED STIPULATION AND
RESTITUTION ORDER FOR INDIVIDUAL
VICTIMS OF MORTGAGE LOAN FRAUD

Plaintiff United States of America, by and through its attorney of record, and defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion, by and through their respective attorneys of record, hereby stipulate as follows:

1. On February 3, 2012, defendant Edith Nelson pled guilty to Conspiracy to Commit Bank Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; Monetary Transactions Using Criminally Derived Property, in violation of 18 U.S.C. § 1957(a); Income Tax Evasion, in violation of 26 U.S.C. § 7201; and Harboring of an Illegal Alien, in violation of 8 U.S.C. § 1324(a)(1)(A)(iii). On that same date, February 3, 2012, defendant Ronald Nelson pled guilty to Conspiracy to Commit Bank Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; Income Tax Evasion, in violation of 26 U.S.C. § 7201; and Harboring of an Illegal Alien, in violation of 8 U.S.C. § 1324(a)(1)(A)(iii).

1 Also on February 3, 2012, defendant Nelda Asuncion pled guilty to Conspiracy to Commit Bank
2 Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; and Monetary Transactions Using
3 Criminally Derived Property, in violation of 18 U.S.C. § 1957(a).

4 2. On May 10, 2012, this Court sentenced defendants Edith Nelson, Ronald Nelson, and
5 Nelda Asuncion pursuant to their plea agreements under Rule 11(c)(1)(C) of the Federal Rules of
6 Criminal Procedure.

7 A. As part of their plea agreements, defendants Edith Nelson and Ronald Nelson agreed
8 to pay restitution in the total amount of \$5,223,476.90 (plus interest and penalties on
9 the restitution owed for income tax evasion) as follows:

10 (1) \$3,384,368.50 for mortgage loan fraud;
11 (2) \$292,862 plus interest and penalties for income tax evasion; and
12 (3) \$1,546,246.40 for the back wages of employees and former employees, as
13 determined by the U.S. Department of Labor.

14 B. As part of her plea agreement, defendant Nelda Asuncion agreed to pay restitution
15 in the total amount of \$2,838,868.50 for mortgage loan fraud.

16 3. The agreed upon restitution involved victims which are financial institutions and
17 government entities, such as the Federal Deposit Insurance Corporation and the Internal Revenue
18 Service, as well as individual victims. The government previously provided the defendants with
19 charts setting forth, *inter alia*, the names of the victims and the restitution owed to each of them.
20 The government represents that it has provided the addresses for payment of restitution to the U.S.
21 Office of Probation.

22 4. At the sentencing proceeding, this Court granted the United States' request that the
23 respective judgments indicate that the individual victims have priority for payment of restitution
24 over the lending institutions and government entities pursuant to 18 U.S.C. § 3664(i). This Court
25 directed that the parties submit stipulations and proposed orders setting forth the order of priority
26 for payment of restitution and the amount of restitution owed to each victim, as the parties had
27 agreed in entering into the respective plea agreements. With respect to defendants Edith Nelson and
28 Ronald Nelson, this Court directed that stipulations and proposed orders for the payment of

1 restitution be submitted as follows: (1) individual victims of mortgage loan fraud; (2) forty-nine
2 individual victims who are owed back wages; (3) financial institutions who are victims of mortgage
3 loan fraud; and (4) Internal Revenue Service for payment of taxes owed. With respect to defendant
4 Nelda Asuncion, this Court directed that stipulations and proposed orders for the payment of
5 restitution be submitted as follows: (1) individual victims of mortgage loan fraud; and (2) financial
6 institutions who are victims of mortgage loan fraud.

7 5. The government and defendants Edith Nelson and Ronald Nelson agree that, if the
8 defendants make partial payments, the individual victims of mortgage loan fraud as well as the
9 individual victims who are owed back wages shall receive approximately proportional payments
10 until full restitution is paid to all of the individual victims. After all of the individual victims are
11 paid restitution in full, the financial institutions who are victims of mortgage loan fraud shall receive
12 approximately proportional payments of restitution until full restitution is paid to those financial
13 institutions. After all of the financial institution victims are paid restitution in full, the Federal
14 Deposit Insurance Corporation (“FDIC”), a quasi-governmental entity, shall receive all restitution
15 payments until the FDIC is paid in full. After the FDIC is paid full restitution, the Internal Revenue
16 Service (“IRS”) shall receive all remaining payments until full restitution is made to the IRS,
17 including interest and penalties on the taxes owed.

18 6. The government and defendant Nelda Asuncion agree that, if the defendant makes
19 partial restitution payments, the individual victims of mortgage loan fraud (to whom she is jointly
20 and severally liable with defendants Edith Nelson and Ronald Nelson for payment of restitution)
21 shall receive approximately proportional payments until full restitution is paid to those victims.
22 After those individual victims are paid restitution in full, defendant Nelda Asuncion’s restitution
23 payments shall be made to the financial institutions (to which she is jointly and severally liable with
24 defendants Edith Nelson and Ronald Nelson) in approximately proportional payments until full
25 restitution is paid to those financial institutions.

26 7. The parties agree that defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion
27 shall pay, jointly and severally, restitution owed to the individual victims of mortgage loan fraud
28 listed below in the specified amounts, totaling \$1,014,147.26.

Item No.	Defendants (Jointly & Severally Liable)	Joint & Several Restitution	Name of Victims
1	Edith Nelson, Ronald Nelson, & Nelda Asuncion	\$ 581,888.70	Robert Cueva
2	Edith Nelson, Ronald Nelson, & Nelda Asuncion	\$ 32,258.56	Cynthia Dinglasan and Redentor Dinglasan
3	Edith Nelson, Ronald Nelson, & Nelda Asuncion	\$ 400,000.00	Alicia Ferrer
	Total Restitution	\$1,014,147.26	

8. The restitution amounts owed by defendants Edith Nelson, Ronald Nelson, and Nelda
 9. Asuncion to the financial institutions which are victims of mortgage loan fraud are set forth in a
 10. separate stipulation and order. The restitution owed by defendants Edith Nelson and Ronald Nelson
 11. to Dennis Duncan and Shawna Duncan, who are individual victims of mortgage loan fraud, is also
 12. set forth in a separate stipulation and order.

13
 14 IT IS SO STIPULATED.

15 Dated: July 18, 2012

Respectfully submitted,

16
 17 MELINDA HAAG
 United States Attorney

18 _____/s/
 19 DEBORAH R. DOUGLAS
 Assistant United States Attorney

20 Dated: July 18, 2012

21 _____/s/
 22 JOYCE LEAVITT
 Assistant Federal Public Defender
 Attorney for Defendant Edith Nelson

23 Dated: July 18, 2012

24 _____/s/
 25 GILBERT EISENBERG
 Attorney for Defendant Ronald Nelson

26 Dated: July 18, 2012

27 _____/s/
 28 DEBORAH G. LEVINE
 Attorney for Defendant Nelda Asuncion

ORDER

Based upon the parties' stipulation and plea agreements, IT IS HEREBY ORDERED that defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion shall pay, jointly and severally, restitution owed to the individual victims of mortgage loan fraud listed in the stipulation in the specified amounts, totaling \$1,014,147.26.

IT IS FURTHER ORDERED that the Clerk's Office shall not disclose the addresses of the individuals victims to the defendants or the public.

IT IS SO ORDERED.

Dated: July Fl, 2012

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HONORABLE D. LOWELL JENSEN
SENIOR UNITED STATES DISTRICT JUDGE